

REMARKS

The above-identified patent application has been reviewed in light of the final Office Action dated October 10, 2004. Claims 1, 14, 20, 39 and 40 have been amended, and Claim 2 has been canceled, without intending to abandon or to dedicate to the public any patentable subject matter. Previously withdrawn Claims 27-38 have also been canceled. Claims 41 and 42 are new. Accordingly, Claims 1, 3-26 and 39-42 are now pending. As set out more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Initially, Applicants would like to thank the Examiner for the courtesies extended during the telephone conference held between the Examiner and the undersigned on or about December 13, 2004. During the telephone interview, aspects of the claims related to the use of two separate communication channels for communications between the client machine and a server were discussed. No agreement regarding allowable subject matter was reached.

The present invention is generally directed to remotely diagnosing computer hardware and software. As generally recited by the claims, a communications interface (for example a browser application) and a client application are both running on a client computer. In addition, the communications interface is in communication with a server over a first communication channel, while the client application is in communication with the server over a second communication channel. Accordingly, rather than routing all messages and information passed between the client computer and the server through a browser application, the present invention allows messages and data to be passed between the client application and the server directly, in addition to allowing messages and data to be passed between the communication interface and the server. This arrangement allows a client application, such as a diagnostic application, to run on the client computer separately from of the communications interface. Therefore, the client application is not a "plug-in" to a browser. According to certain embodiments of the present invention, an additional communication may take place between the communications interface and the client application, according to which an identifier is passed from the communications interface to the client application.

Claims 39 and 40 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. In particular, the Office Action finds that the

term "account number" set forth in those claims was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants note that the term "account number" appeared in Claim 2 as originally filed with the application. In any event, Claims 39 and 40 have been amended to replace the term "account number" with the broader term "identifier." Support for use of the term "identifier" appears at numerous points in the specification, including at page 5, lines 8-10; page 11, lines 8-15; page 13, lines 12-15; page 20, lines 14-21; and page 21, lines 1-4.

Claims 1, 3-23, 25 and 26 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,357,017 to Bereiter et al. ("Bereiter"). In order for a rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference. (MPEP §2131.) However, each and every element of the claims cannot be found in the Bereiter reference. In particular, Bereiter does not describe the passing of an identifier from a communications interface (for example a browser) running on a client computer to a client application running on the client computer as variously set forth in the claims. Accordingly, reconsideration and withdrawal of the rejections of Claims 1, 3-23, 25 and 26 are respectfully requested.

The Bereiter reference is generally directed to a product for iterative distributed problem solving. In particular, Bereiter discusses the use of a browser application having native support for application plug-ins, or that otherwise provides a runtime environment for programs written as Java applications or applets. (Bereiter, col. 4, ll. 35-45.) Furthermore, Bereiter discusses diagnosing a problem at a remote node (*e.g.*, a personal computer) using an iterative problem solving session between the remote node and the server node. (Bereiter, col. 4, l. 66 – col. 5, l. 2.) However, Bereiter does not discuss use of a communication interface running on a remote node in communication with the server in combination with a client application separate from the communication interface and also running on the remote node that is also in communication with the server. Instead, Bereiter describes a browser that has native support for a plug-in. (Bereiter, col. 4, ll. 35-40.)

Claim 1 generally recites a method for remotely diagnosing a computer. Claim 1 includes "establishing a first communication channel between a server and a communications interface associated with a client computer." In addition, Claim 1 recites "establishing a second communication channel between a client application operating on said client computer and said server." As amended, Claim 1 recites "downloading an identifier from said server to said browser over said first communication channel; placing said identifier in a title bar of a browser window; [and] passing said identifier from said browser window to said client application."

The Bereiter reference does not disclose establishing a first communication channel between a server and a communications interface associated with a client computer, and establishing a second communication channel between a client application operating on the client computer and the server. Instead, the Bereiter reference discusses using a browser having native support for plug-ins for communications with a server. Bereiter makes no disclosure of communications between a client application and a server over a communication channel separate from the one established between the browser and the server. The Bereiter reference also fails to disclose downloading an identifier from the server to the browser, placing the identifier in a title bar of a browser window, and passing the identifier from the browser window to a client application. Accordingly, for at least these reasons, the Bereiter reference does not disclose each and every element recited by Claim 1, and the rejection of Claim 1 and the claims dependent therefrom as anticipated by Bereiter should be reconsidered and withdrawn.

Claim 14 is generally directed to a system for remotely diagnosing computer hardware and software. Claim 14 includes a recitation of "a communications interface comprising a browser in communication with said server over a first logical line of communication." In addition, Claim 14 includes "a client application program, wherein said client application program communicates with said server over a second logical line of communication." Amended Claim 14 also recites "wherein said client application program is in communication with said communications interface over a third logical line of communication, wherein only an identifier passed from said communications interface to said client application program is communicated by said third logical line of communication." Amended Claim 14 further specifies that the "third logical line of communication is not established over said computer network."

The Bereiter reference does not describe a communication interface comprising a browser in communication with the server over a first logical line of communication and a client application that communicates with the server over a second logical line of communication. Instead, Bereiter describes a system in which a browser incorporates an application plug-in, and in which all communication with the server occurs through the browser. In addition, Bereiter does not describe a third logical line of communication that is only used for passing an identifier from a communication interface to a client application. In particular, Bereiter does not discuss the use of an identifier. Furthermore, Bereiter would not and could not include a third logical line of communication as set forth in Claim 14, because that reference does not describe a separate browser and application. Accordingly, for at least these reasons, the Bereiter reference does not disclose each and every element recited by Claim 14, and the rejection of Claim 14 and the claims dependent therefrom as anticipated by Bereiter should be reconsidered and withdrawn.

Claim 20 is generally directed to a method for providing a user of a computer with a diagnosis of said computer from a remote location. Claim 20 includes "establishing a communications channel between a communications interface associated with said computer and a server located at said remote location." As amended, Claim 20 also recites "passing an identifier to said communications interface as a browser window title." In addition, Claim 20 recites "in response to said server receiving a first signal from said communications interface, downloading a client application to said computer." Amended Claim 20 also recites "installing said client application" and "passing said identifier from said browser window title to said client application."

The Bereiter reference does not disclose establishing a first communications channel between a communication interface associated with the computer and a server, and downloading a client application to the computer in response to said server receiving a first signal from the communication interface as set forth in Claim 20. Instead, as noted above, Bereiter describes a browser with an integrated plug-in capability. Furthermore, Applicants note that Bereiter does not discuss passing an identifier to said communications interface as a browser window title, or passing said identifier from said browser window title to said client application. Therefore, for at

least these reasons, Claim 20 and the claims dependent therefrom are not anticipated by Bereiter, and the rejections of those claims should be reconsidered and withdrawn.

Claims 2 and 24 stand rejected under 35 U.S.C. §103 as being unpatentable over Bereiter in view of U.S. Patent No. 6,314,439 to Bates et al. ("Bates"), and Claims 39 and 40 are rejected under 35 U.S.C. §103 as being unpatentable over Bereiter in view of U.S. Patent No. 6,047,268 to Bartoli et al. ("Bartoli"). In order to establish a prima facie case of obviousness under §103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP §2143.) Because each and every element of the invention as set forth in Claims 2, 24, 39 and 40 cannot be found in the cited references, whether those references are considered alone or in combination, the rejections under 35 U.S.C. §103 should be reconsidered and withdrawn.

Applicants note that Claim 2 has been canceled. However, language similar to that originally recited by Claim 2, related to passing an identifier from a title bar of the browser window to the client application, has been incorporated into Claim 1. Claim 24 remains pending and includes downloading an assigned account number from the server to the communications interface, placing the account number in a title bar of a window, and copying the account number from the title bar to the client application. Applicants further note that the Office Action acknowledges that Bereiter is silent about placing an identifier in a title bar of a browser window and about a client application copying the identifier from the browser window. However, the Office Action finds that Bates discloses placing an identifier in a title bar of a browser window.

The portion of Bates cited by the Office Action describes conventional web browsers that allow users to generate a list of favorites. (Bates, col. 1, ll. 41-45.) As discussed in Bates, such lists generally consist of a title that points to the universal resource locator that must be entered in order to retrieve a web page. The title may be provided as part of a web page, and entered in the favorites list when a user chooses to add the web page to that list. The title can be the same as the title that is displayed in the title bar of a web browser when the document or page is being viewed. Bates does not discuss passing an identifier from the title bar of a browser window to a client application. Instead, Bates is limited to a discussion of saving the title and associated

address as part of a favorites list that is part of the browser application. There is no teaching, suggestion or disclosure in Bates of passing an identifier from the title bar of a browser window to a separate client application. Therefore, for at least these reasons, the rejections of Claims 2 and 24 as obvious should be reconsidered and withdrawn.

Claim 39 is directed to a method for remotely diagnosing a computer. Claim 39 includes "establishing communication between a server and a communications interface associated with a client computer, wherein said communications interface includes a browser." In addition, Claim 39 recites "establishing communication between a client application operating on said client computer and said server." As amended, Claim 39 additionally recites "downloading an identifier from said server to said browser; placing said identifier in a title bar of a browser window; and passing said identifier to said client application, wherein said client application copies said identifier from said browser window."

Claim 40 is generally directed to a method for providing a user of a computer with a diagnosis of said computer from a remote location. Claim 40 recites "establishing a communications channel between a communications interface associated with said computer and a server located at said remote location." In addition, Claim 40 recites "installing said client application on said computer" and "downloading a first diagnostic tool to said computer." As amended, Claim 40 recites "assigning an identifier to said computer; downloading said identifier from said server to said communications interface; placing said identifier in a title bar of a window on said computer; and copying said identifier from said title bar to said client application."

The Office Action states that Bereiter does not explicitly disclose downloading a client account number from the server to the browser, placing the account number in a title bar of a browser window, and passing the account number to the client application, wherein the client application copies the account number from the browser window. The Office Action instead cites to Bartoli for disclosing such elements of the claim.

The Bartoli reference is generally directed to a method and apparatus for authenticating transactions. (Bartoli, Abstract.) More particularly, Bartoli describes providing a billing server with information from a client terminal's cookie file identifying the client terminal through an

assigned account number. In addition, the client terminal provides the billing server with a sequence that was sent to the user's cookie file by the billing server upon a previous transaction, that is valid for only a single new transaction. (Bartoli, col. 2, ll. 44-49.) The billing server, upon receiving a cookie from the client terminal's browser program containing such information, identifies the user through the assigned account number and authenticates the user through the provided sequence. (Bartoli, col. 2, ll. 49-57.) Bartoli's passing of information between a browser on a client terminal and a server does not describe a system as claimed. In particular, there is no discussion in Bartoli of passing or copying an identifier from a window or a client machine to a client application running on that client machine. For at least these reasons, the proposed combination of the Bereiter and Bartoli references does not teach, suggest or disclose each and every element of Claims 39 and 40, and the rejections of those claims should be reconsidered and withdrawn. Should Bartoli continue to be applied in connection with rejecting pending claims, Applicants respectfully request that a detailed explanation be provided as to why the cited portions of Bartoli, describing exchanges of information between a client terminal and a server, is believed to disclose passing information from a title bar of a browser window on a client computer to an application on that client computer.

New Claims 41 and 42 depend from Claim 1, and are therefore allowable for at least the same reasons that Claim 1 is allowable. In addition, Claim 41 recites passing said identifier from said browser window to said client application using a third communication channel. Accordingly, Claim 41 should be allowed over the cited references for at least this additional reason. New Claim 42 depends from Claim 41, and additionally recites that the first and second communication channels are established over a network, and the third communication channel does not comprise said network. Accordingly, Claim 42 should be allowed over the cited references for at least this additional reason.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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Date: January 20, 2005